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OF PAGES (INCLUDING COVER):

FILE NAME: IBIS0055-100 (IBIS-0403)

DATE: October 2, 2003

FILE #: 139881

RECIPIENT(S)	PHONE	FAX
Examiner Kahsay Habte	703-308-4717	703-872-9306

MESSAGE: OFFICIAL FAX! PLEASE DELIVER TO EXAMINER Kahsay Habte
Serial No.: 10/071,978 Filing Date: February 6, 2002

Attachments: Transmittal form (1 sheet)
Fee Transmittal (1 sheet)
Amendment and Request for Reconsideration (23 Pages)

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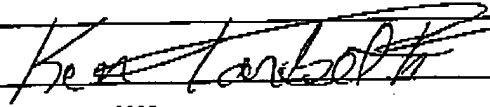
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/071,978
	Filing Date	February 6, 2002
	First Named Inventor	Eric E. Swayze
	Art Unit	1624
	Examiner Name	Kahsay Habte
Total Number of Pages in This Submission	Attorney Docket Number	IBIS0055-100 (IBIS-0403)

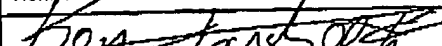
ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kenneth H. Tarbet, PTO Regis. No. 43,181
Signature	
Date	October 2, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being facsimile transmitted (703.872.9306), to the attention of Examiner Mary M. Schmidt, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

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Signature			

This collection of information is required by 37 CFR 1.5. For information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 0

Complete if Known

Application Number 10/071,978
Filing Date February 6, 2002
First Named Inventor Eric E. Swayze
Examiner Name Kalsay Habte
Art Unit 1624
Attorney Docket No. IBIS0055-100 (IBIS-0403)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
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☒ Deposit Account:

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Account
Number 60-1275

Deposit
Account
Name Cozen O'Connor

The Director is authorized to: (check all that apply)

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☒ Charge any additional fee(s) during the pendency of this application
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to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385			Utility filing fee	
1002	340	2002	170			Design filing fee	
1003	530	2003	265			Plant filing fee	
1004	770	2004	385			Reissue filing fee	
1005	180	2005	80			Provisional filing fee	

SUBTOTAL (1) (\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
54	-108	0	0
Independent Claims	3	-5	0
Multiple Dependent			0

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9			Claims in excess of 20
1201	86	2201	43			Independent claims in excess of 3
1203	290	2203	145			Multiple dependent claim, if not paid
1204	86	2204	43			** Reissue independent claims over original patent
1205	18	2205	9			** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65			Surcharge - late filing fee or osth	
1052	50	2052	25			Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130			Non-English specification	
1812	2,520	1812	2,520			For filing a request for reexamination	
1804	920	1804	920			Requesting publication of SIR prior to Examiner action	
1805	1,840	1805	1,840			Requesting publication of SIR after Examiner action	
1251	110	2251	65			Extension for reply within first month	
1252	420	2252	210			Extension for reply within second month	
1253	950	2253	475			Extension for reply within third month	
1254	1,480	2254	740			Extension for reply within fourth month	
1255	2,010	2255	1,005			Extension for reply within fifth month	
1401	330	2401	165			Notice of Appeal	
1402	330	2402	165			Filing a brief in support of an appeal	
1403	290	2403	145			Request for oral hearing	
1451	1,510	1451	1,510			Petition to institute a public use proceeding	
1452	110	2452	55			Petition to revive - unavoidable	
1453	1,330	2453	665			Petition to revive - unintentional	
1501	1,330	2501	665			Utility issue fee (or reissue)	
1502	480	2502	240			Design issue fee	
1503	640	2503	320			Plant issue fee	
1460	130	1460	130			Petitions to the Commissioner	
1807	50	1807	50			Processing fee under 37 CFR 1.17 (4)	
1808	180	1808	180			Submission of Information Disclosure Sheet	
8021	40	8021	40			Recording each patent assignment per property (times number of properties)	
1809	770	2809	385			Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385			For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385			Request for Continued Examination (RCE)	
1802	900	1802	900			Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0

SUBMITTED BY

Name (Print/Type)

Kenneth H. Tarbet

Registration No.
(Attorney/Agent)

43,181

Telephone

619.685.1708

Signature

Date

October 2, 2003

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#10/B
10/7/03
C. Stele

DOCKET NO.: IBIS-0403(IBIS0055-100)

PATENT

EXAMINING GROUP NO. 1624

Serial No.: 10/071,978

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Eric E. Swayze

Serial No.: 10/071,978

Group Art Unit: 1624

Filed: 02/06/2002

Examiner: Habte, Kahsay

Title: NOVEL BENZIMIDAZOLE COMPOUNDS

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On October 2, 2003

Ken Tarbet Reg. No. 43,181

BOX NON-FEE

Commissioner for patents
PO BOX 1450
Alexandria, VA 22313-1450

Dear Sir:

AMENDMENT AND REQUEST FOR RECONSIDERATION

In response to the Office Action mailed July 2, 2003 in connection with the above-identified patent application, Applicants respectfully request that the application be amended as follows.

Amendments to the Application begin on page 2 of this paper.

Amendments to the Claims are reflected in the listing of claims which begins on page 3.

Remarks/Arguments begin on page 20 of this paper.